IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3174 OF 2006

The State of Maharashtra ... Applicant.

V/s.

Mr. Vijay Punjaji Avhad ... Respondent.

Mr. Rajesh More, A.P.P. for the State.

CORAM : A.S. OKA, J.
DATE : 01ST SEPTEMBER, 2006.

P.C. :

1. Heard learned APP for the State. The Respondent was prosecuted for offences punishable under Sections 39 amd 44 of the Indian Electricity Act, 1910. The prosecution was on the basis of complaint lodged by a Member of Flying Squad of the Maharashtra State Electricity Board. According to the case of the complainant, the Flying Squad visited the premises of the Respondent on 5th February 2002. The complainant inspected the electric meter in the premises of the Respondent and found that the sticker seal and PVC seals were in damaged condition. It was noticed that the electric meter was slow by 77.82% and connected load was much more than the sanctioned load.

2. The learned Judicial Magistrate, First Class, Dindori acquitted the Respondent. After having heard the learned A.P.P. for the Applicant, I find that no case is made out for grant of leave. One of the circumstances noted by the learned Trial Judge is that the meter was installed in a

meter box and there was absolutely no evidence to show that seal on the meter box was tampered. The learned Judge found that the electric meter was not at all sent to the Electrical Inspector for the purpose of checking and there was no opinion of the Electrical Inspector on record to show whether there was any defect in the meter or whether any device was artificially used to slow down the meter. A finding has been recorded that spot panchanama was not duly proved as the prosecution failed to examine Investigating Officer and Panch witnesses. If these are the factual aspects of the case, it is obvious that the finding of innocence of the Respondent is based on the possible view taken by the learned Judge on the evidence on record.

3. No case is made out for grant of leave. Application is rejected. Consequently, Appeal is dismissed.

JUDGE